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Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

DEC 22 1997
FCC MAIL ROOM

In The Matter of)
)
Amendment of Section 73.202(b),) MM Docket _____
Table of Allotments,)
FM Broadcast Stations) RM _____
(Stonewall, Oklahoma)

To:
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

PETITION FOR RULE MAKING

Lake Broadcasting, Inc. ("LAKE"), a Texas Corporation, hereby petitions the Commission to institute a Notice of Proposed Rule Making (NPRM) for the allocation of channel 272A to Stonewall, Oklahoma, as that Community's first FM broadcast service. LAKE gives the required verifications and also certifies that if the Commission allocates the channel, it, or an entity in which it participates, will file an application for construction permit.

CHANNEL 272A AT STONEWALL QUALIFICATIONS

As shown by the attached channel study (Exhibit E, figure 1) channel 272A, when allocated to Stonewall, appears to have no short spacing to any known licensed facilities, proposed minor changes or proposed rule makings, other than KMAD(FM) on channel 272A at Madill, Oklahoma. Channel 272A

OSY
MMB

was deleted in MM Docket 95-126 and channel 273A substituted for use by KMAD. Subsequently, an Application for Review has been filed. However, such applications no longer place an automatic stay on other proceedings concerning the deletion of channel 272A and the substitution of Channel 273A. See MM Docket 96-10. In this Docket channel 243A was deleted and channel 253A substituted at Ardmore, Oklahoma. A petition for reconsideration was filed, however during the time the reconsideration was pending, KACO was allowed to change channels to channel 253A (not mutually exclusive with its licensed channel of 244A) and enter into a "one-step" upgrade. Therefore, channel 272A at a site which clears channel 273A at Madill is available for the instant petition.

Since KMAD on channel 272A has been deleted, it appears that the nearest short spacing concerns are as follows: KMAD(FM), (channel 273A) Madill, Oklahoma, at 195.7°(Degrees) True; KCES.L(FM) (channel 272A), Eufaula, Oklahoma; at 51.9°(Degrees) True, KTFX(FM) (channel 272C2) Sand Springs, Oklahoma, at 14.3°(Degrees) True; and KCES.A(FM) (channel 273C3) Eufaula, Oklahoma at 64.6°(Degrees) True. The intersecting of these minimum distance separation contours create the location area for a fully spaced antenna site for channel 272A at Stonewall.

Exhibit E, figure 2 is an attached map which shows the fully spaced site chosen for the instant rule making would cover 100% of the proposed city of license with a

hypothetical 70 dBu F(50,50) contour. The distance shown for a class A facility (6 kW, 100 meters HAAT) is 16.2 kilometers (10.1 miles).

The map also shows the window available for the allocation of channel 272A to Stonewall. This shows that LAKE's proposed coordinates do not short-space any existing stations, construction permits, applications, or allocations.

In order to alleviate potential FAA problems, LAKE could possibly use an existing structure in excess of 300 feet AGL at a fully spaced reference site under Section 73.215. If the Commission allocates channel 272A to Stonewall as that community's first local aural service, antenna sites in the immediate area of the LAKE reference coordinates will be available without FAA obstruction concerns.

STONEWALL, OKLAHOMA

Stonewall is located in Pontotoc County, Oklahoma. It has local banking, a functioning city government system, a public library, in addition to police and municipal service systems which give it the required indicia required by the Commission to be a community of license. According to the United States Census Bureau, Stonewall had a population of 519 persons on January 1, 1990. The community is recognized as Census Designated Area by the US Census Bureau. Information from the Oklahoma Secretary of State depicts

that it has a functioning city government and has been an incorporated city for several years.

PETITION SUMMARIZED

The petition for the allocation of channel 272A at Stonewall can be SUMMARIZED as follows:

<u>COMMUNITY</u>	<u>PRESENT</u>	<u>PROPOSED</u>
Stonewall	-----	272A

No substitutions of channels in other markets or interruption of service are necessary for this allocation. Since there are no channel deletions or substitutions necessary for the allocation of channel 272A at Stonewall, it can be allotted and applications for a construction permit filed immediately.

EXPRESSION OF INTEREST

LAKE hereby certifies that it is interested in the allocation of channel 272A at Stonewall and if the channel is allocated it, or an organization in which it participates, will timely file an application for construction permit. It further states that it, or an entity in which it is a participant, will construct and daily operate this station, if it is the successful applicant.

PETITIONER'S PREFERENCE

LAKE is aware that talk in the "trade" lately has hinted that the Commission may institute a procedure commonly known as "petitioner's preference or finder's preference." This practice would, in essence, give a petitioner a preference when an application window was opened for an allocation. If this rule is implemented before the Commission takes action on the instant petition, LAKE respectfully requests a petitioner's preference.

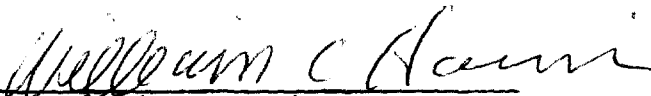
CONCLUSION

LAKE is petitioning the Commission to institute a Notice of Proposed Rule Making leading to the allocation of channel 272A at Stonewall, Oklahoma, as that community's first local service. This channel is available for allocation immediately, as it requires no deletions and/or substitutions in other communities. In addition, the allocation will require a site restriction of 9.46 kilometers at 338.70° (northwest from the community of license). LAKE certifies that it, or an entity in which it participates, will apply for the license at Stonewall if the channel is allocated.

CERTIFICATION

I, William Harrison, President of Lake Broadcasting, Inc., and Petitioner for the allocation of channel 272A at Stonewall, Oklahoma, do hereby verify that the statements contained in this Petition for Rule Making are true and correct to the best of my knowledge and belief. I represent that this Petition is not filed for the purpose of impeding, obstructing or delaying determination on any other application or petition with which it may be in conflict.

Respectfully Submitted,
LAKE BROADCASTING, INC.


By: William Harrison
President

This 18th Day of December, 1997

LAKE BROADCASTING, INC.
101 East Main
Suite 255
Denison, Texas 75020

ENGINEERING STATEMENT

IN SUPPORT OF A

PETITION FOR RULE MAKING

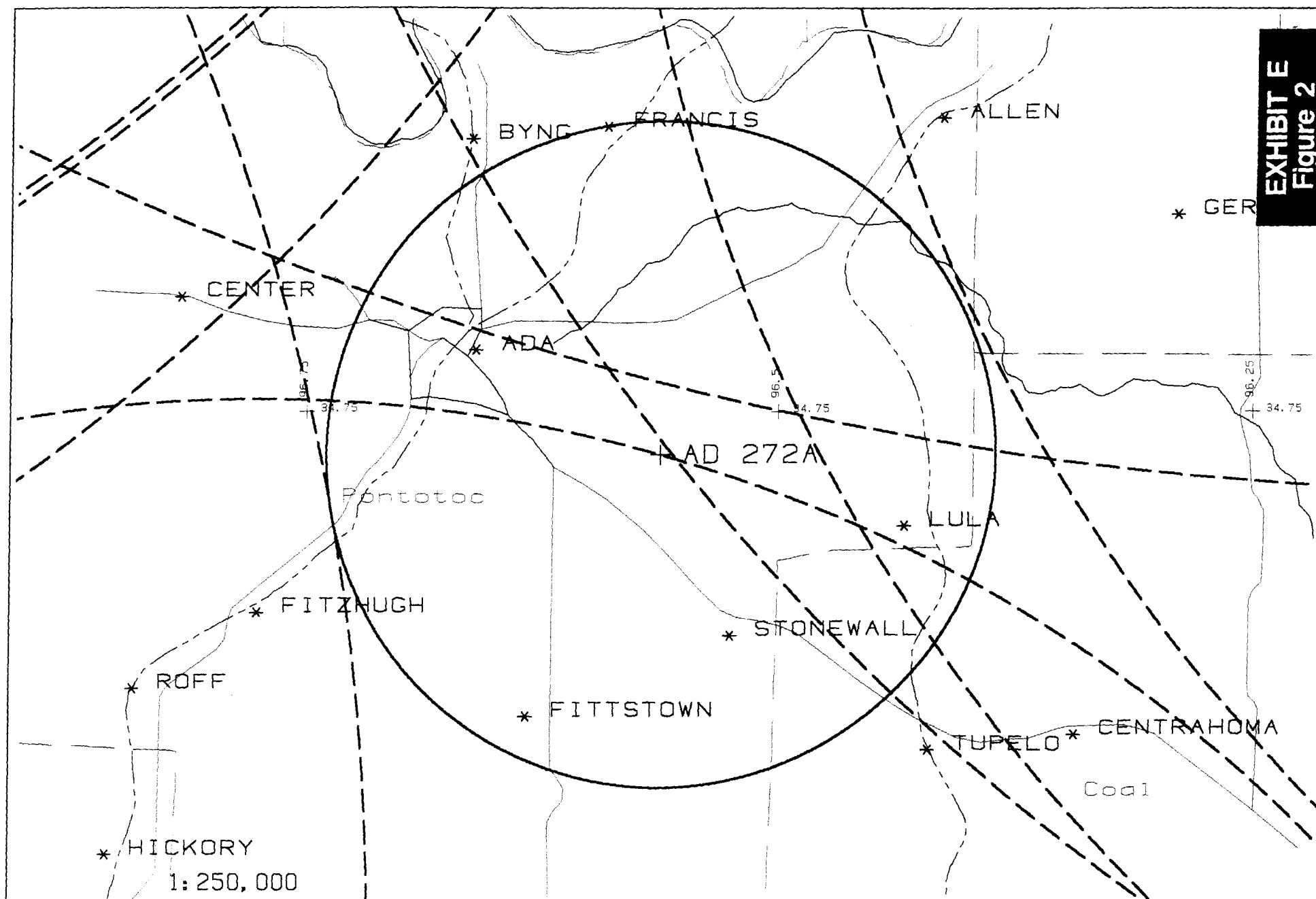
AD 272A @ Stonewall, Oklahoma
LAKE BROADCASTING, INC.

AD 272A (STONEWALL, OK) ALLOCATIONS STUDY
[DEPICTING SPACING TO ALL KNOWN FM FACILITIES]
(USING 9.46 KM SITE RESTRICTION AS REFERENCE)

34 43 53 N.				Class A				Search Date
96 33 45 W.				Current rules spacings				12-19-97
			Channel	272A -102.3 MHz				
Call	Ch#	City	State	Bear'	Dist'	R'qrd	Margin	
Community Of Stonewall			OK	158.7	9.46			
Reference Coordinates:								
34-39-07								
96-31-30								
KMADFM 272A Madill			OK	195.7	72.00	115.0	-43.00 *	
Of No Concern								
Ch 272A Changed to								
Ch 273A in MM Docket 95-126								
Application for Review Pending								
Instant PRM not Subject to Stay								
DE272 272A Madill			OK	195.7	72.00	115.0	-43.00 *	
Of No Concern								
See Above								
AD273 273A Madill			OK	195.7	72.00	72.0	0.00 *	
Of Note:								
New Allocation of								
KMAD Madill, OK								
KCES	272A	Eufaula	OK	51.9	115.46	115.0	0.46 *	
ALOPEN	272C2	Sand Springs	OK	14.3	169.40	166.0	3.40 *	
KTFX.A	272C2	Sand Springs	OK	14.3	169.40	166.0	3.40 *	
KCES.A	273C3	Eufaula	OK	64.6	95.90	89.0	6.90 *	
KRHDFM	272A	Duncan	OK	259.3	131.18	115.0	16.18	
KCES.C	273C3	Eufaula	OK	64.9	105.52	89.0	16.52	
KTST	270C	Oklahoma City	OK	311.3	115.00	95.0	20.00	
KJYO	274C	Oklahoma City	OK	316.9	123.97	95.0	28.97	
KTST	270C	Oklahoma City	OK	316.8	124.47	95.0	29.47	
DE269	269C1	Denison-Sherman	TX	180.7	115.06	75.0	40.06	
AD269	269C1	Denison-Sherman	TX	180.7	115.06	75.0	40.06	

EXHIBIT E
Figure 1

EXHIBIT E
Figure 2



<p>Scale in km</p> <p>0 10 20</p>	<p>N. Lat. 34 43 53 W. Lng. 96 33 45</p>	<p>AD272A STONEWALL, OK REYNOLDS TECHNICAL</p>
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